

Application No. 09/711,118
Preliminary Amendment
Docket No. 7227-270 (formerly 10722.270)

REMARKS

This preliminary amendment is being submitted at the request of the Examiner.

On September 26, 2003, Applicant filed an Amendment and Terminal Disclaimer in response to the Final Office Action dated July 29, 2003. On January 19, 2004, Applicant contacted the Examiner on the status. The Examiner replied on January 21, 2004 that the amendment filed in September 2003 was lost. On January 21, 2004, Applicant sent the Examiner a new copy and contacted the Examiner on January 26, 2004 on the status. The Examiner indicated that he would review the filed documents prior to the January 29, 2004 final deadline.

Applicant did not receive a response regarding the documents filed in September 2003, so Applicant filed an RCE on January 29, 2004.

In the RCE, Applicant asked the Examiner to consider the Amendment and Terminal Disclaimer filed on September 26, 2003. In addition to asking the Examiner to consider the September 26, 2003 amendment, Applicant also submitted an amendment to the claims, in which Applicant cancelled claim 40.

In a telephone discussion with Melissa Scanzillo on February 17, 2004, the Examiner confirmed receipt of the RCE; however, the Examiner requested that we file a preliminary amendment detailing the changes made to only the Specification and Drawings, from the Amendment of September 26, 2003.

It is the Applicant's understanding that the Examiner is considering the Remarks filed on September 26, 2003 along with the preliminary amendment being filed herewith.

Conclusions

Allowance of the application is courteously urged.

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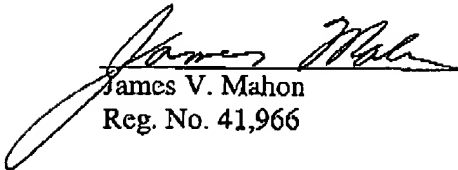
No new matter has been added.

Please apply any credits or excess charges to our deposit account number 50-0521.

Respectfully submitted,

Date: February 20, 2004

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